

PATENT

89212.0016

Express Mail Label No. EV 654271630 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dave S.B. HOON and Bret TABACK

Serial No: 10/809,965

Filed: March 25, 2004

For: DNA MARKERS FOR MANAGEMENT OF
CANCER

Art Unit: 1634

Examiner: Not Yet Assigned

I hereby certify that this
correspondence is being deposited via
Express Mail Label No. EV 654271630
US in an envelope addressed to:

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

June 8, 2005

Date of Deposit

Olga Berson, Reg. No. 55.001

Name

Olga Berson 06/08/2005

Signature

Date

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE
NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION UNDER 37 C.F.R.
§ 1.181**

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment based on failure to receive the Notice to File Missing Parts of Non-Provisional Application dated June 8, 2004 in accordance with 37 C.F.R. § 1.181 regarding the above-identified application.

This application was filed on March 25, 2004. On March 31, 2005, my secretary, Vivian Gutierrez, called the USPTO, Group Art Unit 1634 and left a voicemail message for Gary Jones, the manager at this art unit, indicating that it had been a year since this application had been filed and that we had not received any further papers. However, Ms. Gutierrez specified that on PAIR, there was an

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entry mentioned dated 06/07/04 entitled Notice Mailed – Application Incomplete and that we had NOT received the Notice to File Missing Parts.

Mr. Gary Jones returned Ms. Gutierrez's call about an hour later leaving a voicemail stating that he had looked at this file and had noticed the entry, and he suggested for us to call the OIPE – Missing Parts division, to find out if there was a Notice to File Missing Parts of Application that will be sent or had been sent

Ms. Gutierrez informed the representative that we had never received the Notice to File Missing Parts. Also at that time, she asked for a facsimile copy of the Notice to File Missing Parts (copy attached).

On April 5, 2005, Ms. Shindale Ferguson of our Prosecution Department contacted Ms. Stokes of the Office of Initial Patent Examination with regard to the above-identified patent application. She confirmed that a Notice to File Missing Parts of Application was issued on June 7, 2004 and that no response had been received by that Office. However, a Notice of Abandonment has not yet been issued although we have exceeded the extension limit to file a response to the Notice to File Missing Parts. Ms. Stokes suggested that we print the Notice from PAIR and proceed, expeditiously, with the filing of the Response and Petition.

In conclusion, because of failure to receive the Notice to File Missing Parts dated June 8, 2004, we earnestly request that the holding of the Notice of Abandonment be withdrawn and that this Petition be granted.

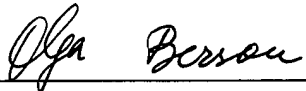
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2172-0178 (81841.0232)
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If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure revival of the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Dated: June 8, 2005

By: 
Olga Berson
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